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*In Propria Persona*

UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

**TODD R. G. HILL, et al,**

**Plaintiffs**

**vs.**

**THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW, et al.,**

**Defendants.**

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

**The Hon. Josephine L. Staton**  
Courtroom 8A, 8th Floor

**Magistrate Judge Brianna Fuller Mircheff**  
Courtroom 780, 7th Floor

**PLAINTIFF'S NOTICE OF PRESERVATION  
REGARDING PROCEDURAL  
IRREGULARITIES AND  
ADMINISTRATIVE SILENCE  
(FILED PURSUANT TO FRCP 54(B), 59(E),  
60(B), 28 U.S.C. § 455(A), AND IN  
REFERENCE TO LOCAL RULE 83-3)**

**NO ORAL ARGUMENT REQUESTED**

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**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING  
JUDICIAL CONDUCT IRREGULARITIES**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff files this Notice not to invoke formal disciplinary proceedings under Local Rule 83-3, which governs attorney conduct, but rather to document a pattern of judicial and administrative irregularities that bear on Plaintiff's rights under Federal Rules of Civil Procedure 54(b), 59(e), and 60(b). The reference to Local Rule 83-3 is made solely in the spirit of record preservation and as a symbolic invocation of the Court's responsibility to uphold procedural integrity and the standards of professional responsibility that apply equally to parties and the judiciary under Canon 2 of the Code of Conduct for United States Judges and 28 U.S.C. § 455(a). No request for disciplinary action or sanction is presently made; Plaintiff instead respectfully seeks administrative acknowledgment of the procedural disparities identified herein.

The reference to Local Rule 83-3 and related procedural standards in this context is not designed for accusation but correction. Its function is invoked when, as here, procedural parity appears compromised not by overt misconduct, but by sustained asymmetry. The Court's own docket is its clearest witness. A record that delays or evades ruling on ripe, dispositive motions while allowing dismissed defendants to re-engage without constraint demands administrative intervention. If this pattern is not redressed, the public perception of fairness, so essential to judicial legitimacy, will remain irreparably damaged.

**I. PROCEDURAL BACKGROUND AND CONSTRUCTIVE DENIAL**

Between October 2024 and June 2025, Plaintiff filed multiple motions under Federal Rule of Evidence 201 seeking judicial notice of adjudicative facts central to claims previously dismissed with

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1 prejudice. These filings include, but are not limited to, Dkts. 197, 199 (filed in 2024), and 241, 276,  
2 279, 280, 298, 301, 326, and 329 (filed in 2025). As of this filing, not one of these motions has been  
3 expressly granted, denied, or appropriately acknowledged.  
4

5 On June 30, 2025, Plaintiff submitted via EDSS (Tracking No. EDS-250630-002-1715) a  
6 Third Notice of Constructive Denial and Request for Clarification Regarding Unresolved FRE 201  
7 Judicial Notice Motions. It was docketed Thursday, July 3, 2025, near the outer boundary of the  
8 filing window, as Docket 342, without prior notice that it was “in process”.  
9

10 This is no longer a matter of mere delay. The pattern now constitutes a constructive denial of  
11 record-corrective requests, directly impairing Plaintiff’s rights under Rule 59(e) and Rule 60(b).  
12 Procedural parity and adjudicative legitimacy are no longer tenable unless the record is corrected or  
13 clarified because this asymmetrical pattern, in form if not intent, constitutes constructive denial,  
14 violating both equal access principles and the perception of impartial adjudication required under 28  
15 U.S.C. § 455(a).  
16  
17  
18

## 19 **II. APPARENT STRUCTURAL PREJUDICE AND DIMINISHED NEUTRALITY**

20 The Court has allowed dispositive motions by Defendants to proceed to ruling, while  
21 dispositive motions filed by Plaintiff, including Dkt. 197, Dkt. 199, and Dkt. 286, remain  
22 unaddressed or are accompanied by procedural vagueness. This selectivity is not merely inefficient; it  
23 has operated as a one-sided filter on the case’s progression. The Court’s refusal to timely or clearly  
24 rule creates de facto denials insulated from review, thereby nullifying Plaintiff’s right to be heard.  
25  
26

27 For example, the dispositive order issued by the Court (Dkt. 312) did not address Plaintiff’s  
28 ripe and pending FRE 201 submissions. Those filings contain judicial admissions, public records,  
agency disclosures, and CPRA responses, factual material that bears directly on dispositive claims. In

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1 this case, at least one specific filing was “withheld” from the record and was not docketed until after  
2 repeated notices to the Court were filed by Plaintiff.

3  
4 The Court’s silence on these motions, paired with its active issuance of rulings, suggests the  
5 appearance of selective omission. That silence, if continued, risks impairing the perception of  
6 neutrality. No rule authorizes a court to decline resolution of properly presented and ripe FRE 201  
7 motions, particularly when their content speaks to material adjudicative facts.

8  
9 Plaintiff submitted a Third Notice of Constructive Denial in light of the pending Rule 15(a)(2)  
10 motion and the potential for review under Rule 54(b), respectfully requesting clarification as to  
11 whether the Court intended to rule on the above-referenced FRE 201 motions, and whether any of  
12 them were deemed denied by implication or omission.

13  
14 The plaintiff respectfully notes that while the Court cited portions of these submissions, such  
15 as governance admissions, CPRA-produced correspondence, and procedural irregularities, no formal,  
16 clarifying, ruling granting or denying judicial notice of those materials has been entered. In light of  
17 the pending Fed. R. Civ. P. 15(a)(2) motion and the potential for review under Fed. R. Civ. P. 54(b),  
18 Plaintiff respectfully requests clarification as to whether the Court intends to issue specific dispositive  
19 rulings on the above-referenced FRE 201 motions, and whether any of them are deemed denied by  
20 implication or omission.

21  
22  
23 **III. VIOLATION OF APPEARANCE OF FAIRNESS DOCTRINE (CANON 2,  
24 CODE OF CONDUCT FOR U.S. JUDGES)**

25 Even absent a finding of actual bias, the appearance of bias, compounded by repeated  
26 omissions, requires redress. A reasonable observer reviewing this docket, the selective timing of  
27 entries, and the unresolved record would question whether Plaintiff’s filings are receiving equivalent  
28 weight. That perception alone offends the constitutional guarantee of due process under *Mathews v.*

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1 *Eldridge*, 424 U.S. 319 (1976), and credibly invokes reference to Local Rule 83-3 and related  
2 procedural standards protective functions.  
3

4 While direct evidence of actual bias may be elusive in this context, given it may often  
5 accompany the design of sophisticated influence, the appearance of bias, when compounded by  
6 repeated, strategically timed omissions, demands immediate and forceful redress. This is not merely a  
7 matter of administrative oversight; it strikes at the very core of judicial integrity and constitutional  
8 due process.  
9

10 A reasonable observer, with no prior knowledge of this case but equipped with the capacity  
11 for objective critical analysis, would, upon reviewing this docket, inevitably raise fundamental  
12 questions. The selective timing of entries, particularly the multi-day delay in docketing a document  
13 that explicitly *complains* about docketing delays, creates an undeniable perception. This perception is  
14 that Plaintiff's filings are not receiving equivalent weight or impartial consideration. Such a  
15 conclusion, even if based solely on outward appearances, is sufficient to erode public confidence in  
16 the judicial process.  
17  
18

19 This scenario directly offends the appearance-of-fairness principle embedded in Canon 2 of  
20 the Code of Conduct for United States Judges and the constitutional guarantee of due process as  
21 articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976). While *Mathews* primarily concerns the  
22 procedural safeguards required before deprivation of a property interest, its foundational principle is  
23 the imperative for fairness in administrative processes. The appearance of selective processing, where  
24 a party's vital motions remain unaddressed while others are acted upon, suggests a process that is not  
25 "fundamentally fair". The absence of timely rulings on "critical filings, including requests for judicial  
26 notice and motions with dispositive bearing", particularly when those motions are deemed  
27 "procedurally ripe", implies a deprivation of the opportunity for a timely and equitable hearing.  
28

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1           The *Mathews* framework compels us to consider the risk of erroneous deprivation and the  
2 value of additional safeguards. Here, the "risk of erroneous deprivation" is the denial of justice by  
3 omission, and the "value of additional safeguards" is the immediate, transparent resolution of all  
4 pending motions.  
5

6           Furthermore, the pervasive appearance of procedural bias, directly manifest in the Court's  
7 own docket, demands immediate and forceful redress to uphold the fundamental guarantees of due  
8 process. This Court's actions and inactions have created a record that overtly suggests an uneven  
9 playing field. The repeated, documented instances of "constructive denial" and "selective omission"  
10 —culminating in the delayed public docketing of critical filings like Plaintiff's "Third Notice of  
11 Constructive Denial" (Dkt. 342) on July 3, 2025 , despite its earlier submission —serve as irrefutable  
12 evidence. Such demonstrable procedural irregularities, particularly when left unaddressed, create an  
13 unacceptable perception where the integrity of judicial administration is secondary to administrative  
14 convenience or a perceived desire for case finality. This posture, which implicates the Court's  
15 impartiality under 28 U.S.C. § 455(a), is one no Article III court can legitimately maintain. To ignore  
16 these clear signals would be to tacitly endorse a system fundamentally at odds with the constitutional  
17 demands of a fair hearing, where the appearance of justice is secondary to administrative  
18 convenience, a position no Article III court can legitimately maintain.  
19  
20  
21  
22

#### 23           **IV.     SYSTEMIC PATTERN OF CONSTRUCTIVE DENIAL AND SELECTIVE** 24           **RESPONSE**

25           A review of the docket from its inception through May 30, 2025, reveals a pattern of selective  
26 docketing behavior and prolonged silence on motions materially favorable to Plaintiff, particularly:

- 27           1. Docket 197 and 199 (FRE 201 Motions) filed on November 15, 2024, remained unrulued upon  
28           for over 7 months, despite their relevance to judicial admissions and procedural misconduct.

1 The current ruling related to these filings allowed for inclusion “insofar” as it served to clarify  
2 Plaintiff’s amended complaint, a standard so vague it fails to substantively inform.

3  
4 2. Docket 286 (Rule 59(e) Motion) filed on May 1, 2025, which seeks reconsideration of orders  
5 dismissing key claims and parties, also, as State Bar has argued in it’s Docket 341, remains  
6 unresolved, while other motions filed afterwards have received expedited review and ruling.

7  
8 3. Docket 264 (Supplemental Notice of Procedural Misconduct), submitted April 11, 2025,  
9 documented procedural noncompliance by Spiro and Haight. This filing was functionally  
10 ignored by the Court, despite subsequent filings (Dkt. 266–273) benefiting Defendants being  
11 acknowledged and ruled upon.

12  
13 This selective response alters the adversarial posture of the case. Plaintiff’s substantive motions,  
14 particularly those that would reopen claims, introduce dispositive evidence, or undermine prior  
15 dismissals are met with procedural silence, while less impactful filings are rapidly docketed and  
16 resolved. This gives rise to a credible perception of strategic delay and institutional partiality.

17  
18 Notably, Plaintiff asserts that the **failure to respond to good faith notices** that raise due process  
19 violations and docket inconsistencies is itself a form of constructive denial. It renders Plaintiff’s  
20 procedural objections inert while shielding procedural irregularities from scrutiny.

21  
22 **V. CONTRASTING TREATMENT OF DEFENSE FILINGS VS. PLAINTIFF**  
23 **FILINGS**

24 Analysis of the docket shows a stark disparity in the Court’s treatment of filings by Plaintiff and  
25 Defendants:

26 Plaintiff’s timely notices, including those asserting violations of Local Rule 7-3 and raising  
27 claims of “constructive denial,” were either ignored or delayed, or worse, never acknowledged in  
28 subsequent orders, including the May 27, 2025 ruling (Dkt. 312).

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1 Meanwhile, Defendants' Rule 12 motions, oppositions, and replies have consistently received:

- 2 a. Prompt docketing (typically the same day, contemporaneously with filing, pursuant to
- 3 longstanding Court policy),
- 4
- 5 b. Orders issued well within normal decision timelines,
- 6
- 7 c. Deference to procedural arguments without similar scrutiny of their own procedural
- 8 defects (e.g., untimely reply briefs or ambiguous party standing).

9 This stark disparity further supports the appearance of bias, as protected under 28 U.S.C. §  
10 455(a) and Canon 2 of the Code of Conduct for U.S. Judges. The perception that one side's filings are  
11 consistently deferred while the opposition's are honored undermines the perceived, requisite,  
12 neutrality of the forum.  
13

#### 14 **VI. RE-ENGAGEMENT OF DISMISSED DEFENDANTS WITHOUT JUDICIAL**

#### 15 **GATEKEEPING**

16 The State Bar Defendants, dismissed with prejudice in Dkt. 248, have re-engaged in  
17 opposition without seeking leave to intervene or reassert standing (see Docket 340 and 341. By  
18 accepting this participation without procedural scrutiny, the Court risks endorsing informal influence  
19 by a party whose formal status is unresolved pending entry of judgment, in turn eroding adversarial  
20 parity and undermining judicial neutrality.  
21

22 Plaintiff objected in Docket 340, which remains unresolved. This conduct, and its acceptance  
23 without procedural scrutiny, raises fundamental concerns regarding judicial neutrality and due  
24 process, and implicates the Court's impartiality under 28 U.S.C. § 455(a). By permitting a party  
25 whose formal status is unresolved pending entry of judgment to engage, the Court risks endorsing  
26 informal influence and eroding adversarial parity.  
27  
28

1 The Court's silence on this objection, while accepting the State Bar's opposition without  
2 comment, presents a posture that disrupts the neutrality of party alignment, creating a procedurally  
3 irregular landscape in which:  
4

- 5 a. Dismissed parties may selectively engage without scrutiny,  
6 b. Plaintiff's objections to this re-engagement are ignored or not timely addressed, and  
7 c. The adversarial balance is altered with no formal clarification by the Court.  
8

9 Such conditions **violate fundamental due process** under the principles laid out in *Caperton*  
10 *v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), particularly the obligation to avoid situations "where a  
11 neutral and detached decisionmaker is required.  
12

13 This conduct, when viewed in context, may also constitute misconduct by an opposing party  
14 warranting relief under Federal Rule of Civil Procedure 60(b)(3).  
15

## 16 **VII. PROCEDURAL INVERSION AND ADVERSARIAL DISTORTION**

17 The Court's practices appear to have materially inverted the adversarial process. Where  
18 Plaintiff acts timely, the Court delays; where Defendants deflect or evade, the Court ignores and  
19 proceeds. This pervasive procedural inversion has ceased to be a theoretical concern; it is now  
20 empirically manifest and irrefutable within the docketed record, compelling the immediate,  
21 unequivocal exercise of the Court's inherent corrective authority. Such egregious, uncorrected  
22 procedural drift fundamentally compromises the bedrock principle of litigant parity, thereby  
23 mandating decisive judicial intervention to preserve the very integrity of the adversarial process, lest  
24 these proceedings devolve into a mere exercise in deliberate procedural manipulation, thereby  
25 supplanting the pursuit of justice on the merits.  
26  
27  
28

1 Consider the following example of the pattern: where Plaintiff acts with demonstrable  
2 timeliness and the Court delays. His "Third Notice of Constructive Denial" (Dkt. 342) was filed on  
3 June 30, 2025, documenting multiple unresolved motions, including critical FRE 201 judicial notice  
4 requests and Dkt. 286. Notably, this filing was not docketed until July 3, 2025, *after* Plaintiff had  
5 already filed a reply (dated July 2, 2025) explicitly noting its undocketed status. This is not mere  
6 administrative lag; it is a pattern of omission that creates a visible chasm between Plaintiff's diligent  
7 efforts to preserve the record and the Court's responsiveness.  
8  
9

10 Conversely, where Defendants deflect or evade, the Court appears to proceed or, alternatively,  
11 allows their actions to stand unchallenged. The State Bar Defendants, a party dismissed with  
12 prejudice, actively oppose Plaintiff's motions (Dkt. 341) while simultaneously asserting that  
13 "judgment has not yet been entered". Plaintiff has formally objected to this "improper re-  
14 engagement" and "procedural overreach", arguing it "risks altering the adversarial posture and  
15 procedural clarity of this litigation". Yet, this contradiction, which Plaintiff has repeatedly  
16 highlighted as "strategically inconsistent and self-serving", has been allowed to persist without direct  
17 judicial intervention.  
18  
19

20 This inversion of expectations is not a subtle undercurrent; it is a direct assault on litigant  
21 parity. The very essence of the adversarial system relies on the assumption that both sides' filings and  
22 arguments will receive equivalent attention and timely resolution. When one party's proactive efforts  
23 are met with delay, while the other's procedurally dubious actions are permitted to influence the  
24 docket, the fundamental balance is shattered. This creates an environment where the perceived  
25 fairness of the proceedings is irrevocably compromised, fostering a sense that the scales of justice are  
26 being tilted by administrative inertia or selective engagement.  
27  
28

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1 It is precisely to correct such procedural drift that fundamental principles of due process and  
2 judicial integrity exist. This Court's inherent authority to manage its proceedings is a vital safeguard  
3 against the very distortions of litigant parity now manifest in this case. When the procedural  
4 mechanism itself becomes a tool that consistently disadvantages one party by delaying their efforts to  
5 bring critical issues to light, while implicitly accommodating the other, the integrity of the adversarial  
6 process is fundamentally compromised. This Court is empowered to self-correct, to acknowledge the  
7 documented inconsistencies, and to restore the integrity of its proceedings before they devolve into a  
8 system where procedural manipulation, rather than the merits of the case, dictates outcomes. The  
9 record, in its current state, unequivocally demands this corrective action.

10  
11  
12  
13 **VIII. PLAINTIFF'S APPELLATE RIGHTS ARE BEING FRUSTRATED BY**  
14 **DELAY**

15 The Court's sustained refusal to resolve dispositive motions deprives Plaintiff of a clean and  
16 reviewable record. If a Rule 54(b) judgment is entered without resolving pending motions, appellate  
17 review will be compromised. Immediate judicial action is necessary to preserve Plaintiff's appellate  
18 rights under 28 U.S.C. § 1291 and 28 U.S.C. § 1292(b), and to prevent the appearance of engineered  
19 ambiguity that could preclude meaningful review of his claims on appeal.

20  
21 **IX. PURPOSE OF THIS PRESERVATION NOTICE**

22 Plaintiff respectfully submits this notice as a non-disruptive mechanism for preserving  
23 concerns about judicial conduct, delay, and procedural irregularity that may otherwise evade formal  
24 review. Plaintiff invokes this mechanism not to provoke, but to precisely record the state of the  
25 proceedings.

26  
27 Plaintiff has not accused any specific individual of misconduct. However, the continued  
28 failure to adjudicate FRE 201 motions while issuing dispositive rulings is now part of the record. In

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1 light of relevant principles under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and 28  
2 U.S.C. § 455(a), further silence could affect the appearance of fairness and due process.  
3

4 Additionally, Plaintiff notes that Judge Cynthia Valenzuela previously recused herself from  
5 this matter without explanation. That recusal, while not in itself determinative, adds contextual  
6 weight to the need for transparency and consistency in the adjudication of unresolved procedural  
7 motions.  
8

9 For the avoidance of doubt, Plaintiff continues to preserve all appellate rights under Fed. R.  
10 Civ. P. 59(e) and Fed. R. Civ. P. 60(b), and submits this notice solely to support an administratively  
11 complete and procedurally transparent record.  
12

### 13 **X. REQUEST FOR ADMINISTRATIVE ACKNOWLEDGMENT**

14 Plaintiff respectfully requests:

15 A. That the Court clarify the status of FRE 201 motions (Dkts. 197, 199, 241, 276, 279, 280,  
16 298, 301, 326, 329);

17 B. That Plaintiff's filings be processed on equal footing with represented parties;

18 C. That any response or administrative update, if available, be issued no later than July 12,  
19 2025.  
20

21 This Notice shall be retained for record-preservation purposes and may be appended as a  
22 reference in subsequent filings.  
23

### 24 **XI. CONCLUSION**

25 In every courtroom, the foundation of public trust is not built on rulings alone, but on the  
26 fairness of the process that produces them. A request unanswered, particularly when lawfully and  
27 repeatedly raised, becomes more than an omission; it begins to shape the perception of intentional  
28

1 imbalance. And when a party's voice is met with silence while others proceed uninterrupted, the  
2 credibility of the forum itself is placed in doubt.  
3

4 This Court retains full authority to resolve the record, to clarify the standing of each pending  
5 motion, and to reinforce that this forum remains guided by even-handed principles. That choice, if  
6 timely taken now, could affirm the procedural integrity of these proceedings and restore the  
7 confidence that must accompany every act of adjudication.  
8

9 This Notice does not accuse. It preserves. It reflects what remains open, unresolved, and in  
10 need of attention in the hopes that the record will speak through response, not omission.  
11

12 Respectfully submitted,  
13

14 Dated: July 4, 2025  
15

16   
17  
18

19 **Todd R. G. Hill**  
20 **Plaintiff, In Propria Persona**  
21  
22  
23

24 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**  
25

26 The undersigned party certifies that this brief contains 3,088 words, which complies with the 7,000-  
27 word limit of L.R. 11-6.1.  
28

Respectfully submitted,



July 4, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

**Plaintiff's Proof of Service**

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,



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Todd R.G. Hill

Plaintiff, in Propria Persona

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